

Entered - 02/06/04 - sb
CL - 04L0079 LISA CARTER

**CLAIM OF: SOUTHERN GENERAL FINANCIAL
GROUP,**

**as subrogee of Willie Henderson Flowers
P.O. Box 28150
Atlanta, Georgia 30358**

04-R -1539

For damages alleged to have been sustained as a result of an
automobile accident on September 9, 2003 at 549 Centerhill
Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL

SEP 07 2004

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/04

CHAIR: H. L. Pitt

Joyce M. Shepherd

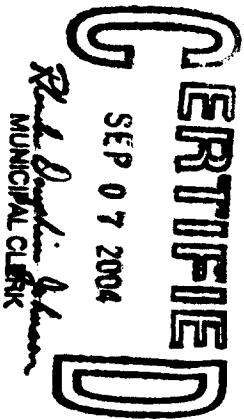
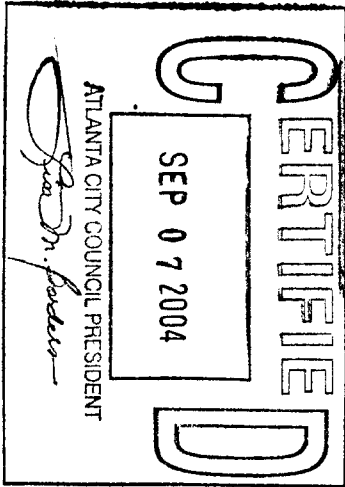
Wayne D. Woodward

C. F. Marks

H. L. Pitt

Carla Smith

C. F. Marks



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0079

Date: August 17, 2004

Claimant /Victim SOUTHERN GENERAL FINANCIAL GROUP as subrogee of Willie Henderson Flowers

BY: (Atty) (Ins. Co.) _____

Address: P.O. Box 28150 Atlanta, Georgia 30358

Subrogation: X Claim for Property damage \$ 2,920.73 Bodily Injury \$ _____

Date of Notice: 02/02/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/09/03 Place: 549 Centerhill Avenue

Department Watershed Management Bureau: _____ Division: Sewer Operation

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of an automobile accident at 549 Centerhill Avenue. However, an investigation determined that damages were due to the claimant speeding through a work zone as construction cones and work signs were in place to caution motorist. The City of Atlanta vehicle was not moving at the time of the accident.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

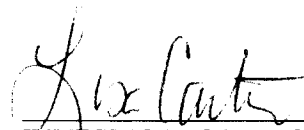
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08/19/04

Committee Action: _____ Council Action _____



Southern General
Financial Group

ENTERED - 2-6-04 - SB
04L0079 - LISA CARTER

1/29/04

Mayor Shirley Franklin

City of Atlanta

55 Trinity Avenue

Atlanta, Georgia 30303

Subject: A claim against the city
Your equipment driver: Christopher B. Harris
Our claim number: 03-009186-96
Date of loss: 9/9/03
Our driver: Willie Henderson Flowers

Dear Mayor Franklin:

The facts of this loss clearly indicate that your employee is the at fault party. We have paid our insured for this loss and we are requesting a repayment. The total claim is for \$2,920.73. We paid \$2,420.73 after taking a deductible.

It does not appear that your employee was performing a duty that entitles him or the city to immunity.

Please issue payment for the full amount and we will pay our insured their deductible. If our payment will be delayed more than 10 days, please call me at (770) 644-0647.

Thank you for your time and attention to this matter.

Sincerely,

Robert Lowman

Subrogation Unit

770-644-0647/fax 781-634-5982

E-Mail rlowman@INSHSE.COM

RECEIVED
FEB 02 2004

Attachments: Police report & documentation of claim amount

We listen to our customers and deliver on our promise. Period.

P.O. Box 28150 Atlanta, GA 30358-0150
770-644-0647 Phone 800-446-9973 Toll Free 770-644-0653 Fax

han
LISA CARTER
02/06/04
JD
DM



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 14, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Southern General Financial Group
as subrogee of Willie Henderson Flowers
Attn: Robert Lowman
P.O. Box 28150
Atlanta, GA 30358

04-R-1539

Dear Mr. Lowman:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 07, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department